

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*
 2377 Hanna Dr. Columbus, OH 43211
 (As described in attachment A)

Case No. 2:23-mj-242

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See attachment A.

located in the Southern District of Ohio, there is now concealed (*identify the person or describe the property to be seized*):

See attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 922(g)(1)	Felon in Possession of a Firearm

The application is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Cole Benner

Applicant's signature

Cole Benner, ATF Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
 telephone _____ (*specify*)

Date: April 11, 2023

City and state: Columbus, OH

Kimberly A. Jonson
 Kimberly A. Jonson
 United States Magistrate Judge


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF
2377 Hanna Dr. Columbus, OH 43211

Case No. 2:23-mj-242

Filed Under Seal

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Cole Benner, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 to authorize law enforcement to search the premises known as 2377 Hanna Dr. Columbus, OH 43211 (“**SUBJECT PREMISES**”), further described in Attachment A, for the items described in Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearm and Explosives (“ATF”), and have been since March of 2020. I am currently assigned to the Columbus, Ohio Field Office as a member of the Crime Gun Enforcement Team (“CGET”) Task Force. As part of my duties as an ATF Special Agent, I investigate criminal violations relating to federal firearms offenses, including the unlawful possession of firearms and ammunition by individuals who have been convicted in any court, of a crime punishable by imprisonment for a term exceeding one year. I have participated in numerous investigations of criminal violations relating to illegal firearms possession, firearms trafficking and shooting investigations. I am familiar with, and have utilized

multiple investigative methods, including electronic surveillance, visual surveillance, search warrants, and the utilization of GPS/E-911 data.

3. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As result of my training and experience, I am familiar with federal laws including 18 U.S.C. § 922(g)(1), which states: “It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.”

4. I know based on my training and experience that individuals who possess firearm and ammunition often possess other items commonly used or acquired in connection with the possession of firearms and ammunition. Some of these items include, but are not limited to, other firearms, firearm parts, additional ammunition, firearm receipts, firearms brochures or owner’s manuals, records of sale or acquisition of firearms, firearms magazines, and holsters.

5. I know based on my training and experience that individuals who possess firearms and ammunition as felons or otherwise, often store those firearms and ammunition in their homes or cars, so that the firearms and ammunition are easily accessible. I also know that firearms are durable and non-perishable goods, which can be expected to remain in the individual’s possession for extended periods of time.

6. I know based on my training and experience that individuals who possess firearms and ammunition frequently utilize cell phones to take photographs and videos of themselves in possession of firearms and ammunition. These same individuals also utilize cellphones, to include

calls, texts, and social media applications, to arrange the purchase and sale of firearms, ammunition, and/or accessories.

7. I also know based on my training and experience that “cell phones and the services they provide are ‘such a pervasive and insistent part of daily life’ that carrying one is indispensable to participation in modern society.” *Carpenter v. United States*, 138 S. Ct. 2206, 2220 (citing *Riley v. California*, 573 U. S., at ___, 134 S. Ct. 2473, 2484 (2014)).

8. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

9. Based on the facts set forth in this affidavit, there is probable cause to believe that on or about November 7, 2022, Anthony DAVIS (Black Male, DOB: 3/24/19XX), a convicted felon, did knowingly and intentionally possess a firearm and ammunition which traveled in and affected interstate commerce, in violation 18 U.S.C. § 922(g)(1). Furthermore, there is also probable cause to search the **SUBJECT PREMISES**, located at 2377 Hanna Dr. Columbus, Ohio 43211 for evidence, instrumentalities, or fruits of these crimes as further described in Attachment

II. PROBABLE CAUSE

10. According to a database of criminal records and the Franklin County Common Pleas Clerk of Court Website, DAVIS has been convicted of the following felonies: F4 CCW & F5 Possession of Drugs (Case Number 09CR002195), and F2 Felonious Assault & F2 Robbery (Case Number 09CR002257).

11. On or about March 13, 2023, I reviewed Columbus Division of Police (“CPD”) report #220819578 (Felony Assault) and #220819474 (Menacing).

A. CPD Report #220819474 Menacing

12. On or about November 7, 2022, at approximately 7:20 p.m., CPD officers were dispatched to 2278 Minnesota Ave., Columbus, OH 43211. Upon arrival, officers located a victim who stated that a black and red Dodge sedan pulled up to the residence with three (3) or four (4) subjects inside. At different times during their statement, the victim stated that a black female had a firearm, and a black male had a firearm.

13. Officers spoke with a second victim who stated that unknown females arrived in a black vehicle attempting to fight. This victim stated the subjects in the black car were waving a gun. The victim stated the black sedan fled the scene. This vehicle is suspected to be a black Dodge Magnum bearing OHLPLP: JXK7836, registered to DAVIS. No suspects were listed in this report. No firearms were recovered.

B. CPD Report #220819578 Felony Assault

14. On or about November 7, 2022, at approximately 8:10 p.m., CPD officers were dispatched to 2278 Minnesota Ave., Columbus, OH 43211. Upon arrival Officers spoke with one of the victims who stated the same subjects from an earlier incident (#220819474 Menacing) returned.

15. The victim stated three (3) or four (4) people arrived in a red colored SUV and attempted to fight the victim. This vehicle was later identified as a Maroon Saturn Vue OHLPLP: JWQ3139, registered to DAVIS. The victim stated a black female, later identified by law enforcement as Tia BOWERS (Black Female, DOB: 1/26/19XX), and a black male, later identified by law enforcement as DAVIS, both pulled out handguns and pointed them at the victims. One of the victims stated BOWERS struck them in the face with the handgun. A separate victim stated they were struck in the face with a firearm by DAVIS. A victim stated they had their dog on a leash

and the dog lunged at DAVIS at which time DAVIS shot the dog. All three (3) victims stated they believe DAVIS would have shot them if the dog was not outside. The dog was killed by DAVIS.

16. Officers located two (2) shell casings in the street and a magazine containing rounds in the grass. Officers located a 40-caliber casing and a 380-caliber casing. One of the victims also located a cell phone she believes belongs to the male suspect (DAVIS). All property was turned into the property room. No firearms were recovered.

C. Social Media Review

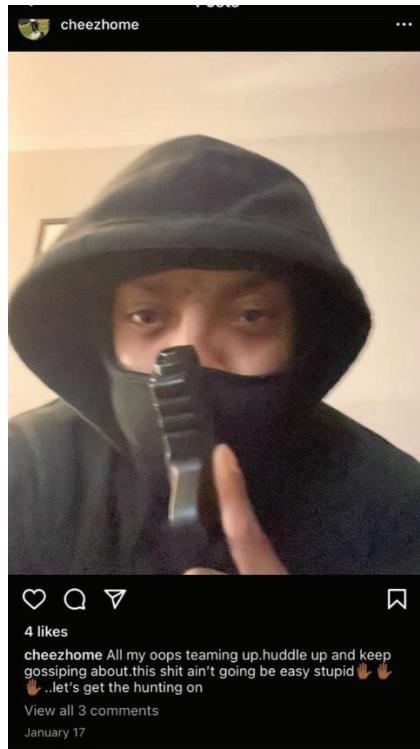
17. On March 13, 2023, I conducted a review of an open-source Instagram account (User ID: CheezHome). I believe this account to be controlled and utilized by DAVIS, as it contains numerous photographs of DAVIS.

18. Moreover, as depicted below, the individual posting on the social media account has a distinctive face tattoo. I queried the Ohio Law Enforcement Gateway (OHLEG) database regarding Anthony DAVIS and found the following image of DAVIS dated August 6, 2020.



19. I observed a post by DAVIS from January 17, 2023. The post is a photograph of DAVIS holding what appears to be a black semiautomatic pistol. The post was accompanied with the caption, “All my oops teaming up. Huddle up and keep gossiping about this shit ain’t going to be easy stupid.. let’s get the hunting on.”

20. Based on my training and experience, I believe DAVIS is saying that if his perceived rivals continue to talk negatively about him, DAVIS will retaliate with violence using his firearm shown in the photograph.



Instagram post 1/17/2023

21. Based on my training and experience, I believe the firearm DAVIS is holding in the above photograph matches the characteristics of a Smith & Wesson pistol. Specifically, the indentations in the rail and the smooth curve of the trigger guard match the characteristics of a

Smith & Wesson pistol. I know based on training and experience that Smith & Wesson makes pistols in both 40 caliber and 380 caliber. I know based on training and experience that Smith & Wesson pistols are not manufactured in the state of Ohio.

22. Additionally, I observed a post by DAVIS from January 20, 2023. The photo shows DAVIS holding a small child with what appears to be the handle of a black semiautomatic pistol in his pocket.



**Instagram post 1/20/2023
Photo posted on Facebook 2/9/2023**

23. Based on training and experience, I believe the handle of this firearm matches the characteristics of a Smith & Wesson pistol. I know based on training and experience that Smith & Wesson makes pistols in both 40 caliber and 380 caliber.

24. On or about March 13, 2023, I conducted a review of an open-source Facebook account (User ID: Cheez Coming Home). I believe this account to be controlled and utilized by DAVIS, as it contains numerous photographs of DAVIS.

25. On or about February 9, 2023, DAVIS posted the same photograph shown above, with the suspected Smith & Wesson pistol in his pocket, to his Facebook account.

26. On or about March 24, 2023, I conducted a review of an open-source Facebook account (User ID: Cheez Coming Home). I observed a post by DAVIS from March 24, 2023. DAVIS commented on the post stating “I’m blessed. thank u god. I had that 40 on me the whole time.”



March 24, 2023, Facebook comment

27. Based on my training and experience, I know that individuals will sometimes refer to their firearm by saying what caliber of ammunition the firearm chambers.

28. I know that during the November 7, 2022, Felonious Assault shooting, which DAVIS is listed as a suspect in, a 40-caliber shell casing was located and seized by law enforcement.

D. Surveillance

29. On or about March 22, 2023, I conducted electronic surveillance at 2377 Hanna Dr. Columbus, OH 43211.

30. At approximately 1:25 p.m. a male exited the front door of the residence with two (2) white trash bags with yellow handles in his hand. This male was identified as DAVIS. DAVIS returned to the residence through the front door.



Anthony DAVIS

31. At approximately 2:42 p.m. an unknown Black Male exited the residence. The unknown Black Male returned to the residence at approximately 2:48 p.m.



Nekoda BARRETT

32. At approximately 2:50 p.m. two (2) Officers with the Ohio Adult Parole Authority (“APA”) arrived at the target residence and went inside. The APA Officers cleared the scene at approximately 2:55 p.m.

33. I spoke with APA Officer Hunter Yellow Thunder via phone. Officer Yellow Thunder stated he was on scene to verify this address as an APA address for Nekoda BARRETT (Black Male, DOB: 5/15/19XX). Officer Yellow Thunder stated BARRETT is the cousin of BOWERS.

34. At approximately 3:22 p.m., DAVIS exited the front of the **SUBJECT PREMISES** and walked towards the roadway. DAVIS walked out of the view the surveillance. DAVIS then came back into the view of the surveillance: At approximately 3:40 p.m. a Black and Red Dodge Magnum bearing OHLP: JXK7836 pulled into the driveway of the target residence. DAVIS exited the vehicle and entered the target residence. The Black Dodge Magnum is registered in DAVIS’s name. Notably, the investigation has indicated that this is the same vehicle present at 2278 Minnesota Ave., Columbus, OH 43211, shortly before DAVIS shot and killed a dog in front of its family.

35. Also of note, DAVIS's cellular telephone, (614) 593-1390, has been the subject of a prior issued search warrant for, among other items, location information. (S.D. Ohio Case No. 2:23-mj-171)

36. During the time that I was observing DAVIS at the **SUBJECT PREMISES**, DAVIS's phone was pinging in the area of the **SUBJECT PREMISES**. Investigators recognize this to mean that the above-stated cell phone "ping" confirms DAVIS's possession of the cellular device.

37. On or about March 23, 2023, I conducted electronic surveillance at 2377 Hanna Dr. Columbus, OH 43211, the **SUBJECT PREMISES**. At approximately 9:16 p.m., three (3) subjects approached the front door of the **SUBJECT PREMISES**. One of the subjects, DAVIS, opened the front door and entered the residence.

38. On or about March 24, 2023, I conducted electronic surveillance at the **SUBJECT PREMISES**. At approximately 10:32 a.m., DAVIS was seen exiting the front door of the **SUBJECT PREMISES**.

39. On or about March 25, 2023, I conducted electronic surveillance at the **SUBJECT PREMISES**. At approximately 2:07 p.m., DAVIS was observed exiting the front door the **SUBJECT PREMISES** and entering his prior described black Dodge Magnum.

40. On or about March 26, 2023, I conducted electronic surveillance at the **SUBJECT PREMISES**. At approximately 7:18 a.m., DAVIS was observed exiting the front door of the **SUBJECT PREMISES**.

41. On or about March 27, 2023, I conducted electronic surveillance at the **SUBJECT PREMISES**. At approximately 7:16 a.m., DAVIS was observed exiting the front door of the **SUBJECT PREMISES**.

42. On or about April 10, 2023, I conducted electronic surveillance at the **SUBJECT PREMISES**. At approximately 2:10 p.m., DAVIS was observed exiting the front door of the **SUBJECT PREMISES**.

III. CONCLUSION

43. Based on the totality of the facts and circumstances described above, Your affiant respectfully submits that probable cause exists that DAVIS, a convicted felon, did knowingly and intentionally possess a firearm and ammunition, said firearm and ammunition having travelled in interstate commerce, in violation of Title 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm or Ammunition). Furthermore, Your affiant respectfully submits that probable cause exists that evidence of 18 U.S.C. § 922(g)(1), including items listed in Attachment B, will be found at the **SUBJECT PREMISES**.

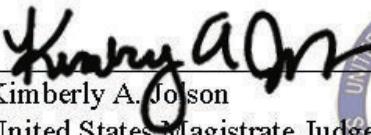
Respectfully submitted,

Cole Benner

Cole Benner, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means.

April 11, 2023



Kimberly A. Jolson
United States Magistrate Judge



ATTACHMENT A
Place(s) to be searched

2377 Hanna Dr. Columbus, OH 43211 is a ranch style, single-family structure located on Hanna Dr., which lays east of Cleveland Ave, North of Myrtle Ave., and South of Minnesota Ave. The residence has brown siding with a concrete walkway leading to the front entrance. To the right of the front door is a black mailbox affixed to the structure. To the right of the front door are the numbers “2377.” Additionally, any vehicle located at 2377 Hanna Dr. Columbus, OH 43211.



Attachment B
Items to be seized

1. Firearms and ammunition to be held in violation of Title 18 U.S.C. § 922(g)(1).
2. Firearm parts, accessories, and items commonly used or associated with the possession of firearms, including conversion devices, ammunition, firearm magazines, and holsters.
3. Documents related to the purchases or transfer of firearms and ammunition.
4. Devices used to communicate with other individuals, including all stored electronic data on a cellular telephone assigned call number (614) 593-1390.
5. Items of identification and records that establish dominion and control of the premises, including, state identification, residence keys, mail, envelopes, receipts for rent, bills, and photographs.